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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/277,286	03/26/1999	CARL STRATHMEYER	024/1	3294

7590 06/04/2003
KAPLAN AND GILMAN LLP
900 ROUTE 9 NORTH
WOODBIDGE, NJ 07095

EXAMINER

AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 06/04/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/277,286

Applicant(s)

STRATHMEYER ET AL.

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 3/17/03. Claims 1, 3 – 10, and 21 - 25 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 3 – 10, and 21 - 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Rogers et al.

Regarding claims 1, 4, and 6 - 8, Rogers et al. teaches a call management system having a call management computer 101 able to communicate with a plurality of telephony and data environments, wherein the environments include different PBX's, cable, RF or satellite communications, or "any other types of voice or data," having therein a "translation layer," wherein "translation layer" is read to be analogous to the plurality of data and telephony interfaces (Fig. 2, 203 – 206) taken as a whole, for translating to and from proprietary and non-standard protocols and a standard protocol upon which the invention of Rogers et al. operates on. Furthermore, Rogers et al. teaches either a computer workstation connected via a LAN/WAN/data/telephony network or by some remote connection in connection with the call management computer for providing access to and control over applications able to communicate via the various telephony and data environments, wherein the application can automatically detect the type of incoming communication or can effect communications via a certain

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telephony or data environment. Furthermore, the workstation mentioned along with the caller notification/caller ID and various databases taught by Rogers et al. allow a user to receive caller information, records, or any other pertinent information. (Figs. 1, 26a – 9ab, Col. 2, line 4 – Col. 3, line 8, Col. 6, line 44 – Col. 18, line 2, Col. 22, lines 6 – 26)

As to claim 3, Rogers et al. teaches a GUI interface to allow a user to select and configure, via set-up menus, the selection of telephony environments. (Figs. 6a – 9ab)

As to claim 5, Rogers et al. teaches "screen pop" notifications, for example, when notifying a user of an incoming call. (See above references and also Col. 23, line 12 – Col. 28, line 67)

As to claims 9 and 10, Rogers et al. also teaches various databases such as the call management database 215, used for various applications such as phone directories, message storage and reply, etc. and also teaches routing various calls according to type or time, etc. (See above references and also Col. 22, lines 7 – 26 and Col. 29, line 57 – Col. 30, line 46)

As to claims 21 – 23 and 25, the existence of various PBX's and the PSTN is shown in Fig. 1 of Rogers et al. as are the LAN servers and the ability of the system of Rogers et al. to handle voice over IP communications, thereby inherently requiring packet telephony servers. See Col. 25, lines 8 – 10. Moreover, the claimed "data network gatekeeper" is analogous to a gateway such as the FAX/data gateway taught by Rogers et al. in Col. 39, line 53. Moreover whenever a system deals with the Internet and/or data communications, it is inherent that there is some sort of gatekeeper or gateway for controlling address resolution when communications between different

network elements, transmission and reception control, registration onto a certain network, etc.

As to claim 24, as seen Figs. 6a – 9b, a GUI or application programs run on the workstation/computer 114 which is separate from the LAN server 110 as seen in Fig. 1. Moreover, the computer communicates with the LAN server via a LAN and WAN 109 which is inherently using a standardized message set such as TCP/IP.

Response to Arguments

3. Applicant's arguments filed 3/17/03 have been fully considered but they are not persuasive.

As to applicant's arguments, examiner first points out that in none of the independent claims is it cited that the type of trunks to be used are chosen by the telephony application, merely that an environment is chosen. Furthermore, even though in Rogers et al., an environment may be implemented in various ways as suggested by applicant, if in fact communications are taking place via email or voice, etc., one has in fact still chosen an "environment," namely that of email or voice, etc. to communicate over and so Rogers et al. does in fact teach being able to select a telephony environment. While examiner understands applicant's assertion, the way the claims are presented leave interpretation of a telephony "environment" open to the manner in which examiner has done in the previous office actions.

Also, see even the abstract of Rogers et al. wherein it is taught that "[e]ach different type of call is managed differently and automatically through direct user

workstation controls and/or user-generated rules..." This therefore reads upon applicant's invention in that a server is going to automatically chose an environment depending on configuration or user choice which reads upon claims 1, 6, and 8.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.
May 23, 2003


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700